



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner of Patents and Trademarks, Washington, DC 20231 on

#14

(Date of Deposit)

Signature

(Date of Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Andrew Philip Shapiro et al

Serial No. 09/617,935 : Group Art Unit: 3744
 Filed: August 17, 2000 : Examiner: W.E. Tapolcai
 For Icemaker Assembly : Response to Paper No. 13

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
37 C.F.R. §1.81

Box DAC
 HONORABLE ASSISTANT COMMISSIONER OF PATENTS:
 WASHINGTON, DC 20231

SIR:

In accordance with 37 C.F.R. §1.81, Applicants respectfully request that the U.S. Patent and Trademark Office (PTO) withdraw the erroneous holding of abandonment for the above-identified patent application.

1. **FACTS**

On July 31, 2001, the PTO mailed a Notice of Allowance and Issue Fee form (Exhibit A) for the above-identified patent application to the Applicants. The Notice of Allowance and Issue Fee form indicated that the issue fee was due on or before October 31, 2001. On September 28, 2001, Applicant sent an Issue Fee Transmittal form (Exhibit B) that authorized the payment of the issue fee. The Issue Fee Transmittal form (Exhibit B) was sent. A post card receipt (Exhibit C) was also sent with the Issue Fee Transmittal form, and the post card receipt shows that the PTO received the Issue Fee Transmittal form on October 1, 2001, which is prior to the deadline for payment of the issue fee. On March 26, 2001, the PTO mailed a Notice of Abandonment form (Exhibit D) to Applicants that indicated that the above-identified patent application had been abandoned for failure to timely pay the issue fee.

05/21/2008 CKHLOK 00000009 070868 09617935

01 FC:1501 1280.00 DA
 02 FC:8001 3.00 DA

These facts and exhibits clearly show that Applicant filed the Issue Fee Transmittal form and authorization of payment of the issue fee in a timely manner and that the Issue Fee Transmittal form and the authorization for payment of the issue fee was received by the PTO but not correlated with the above-identified patent application. As a result, the application has been erroneously held abandoned by the PTO. Accordingly, Applicants request that the PTO withdraw the holding of abandonment of the application and issue a patent.

II. TIMING

This petition is timely filed within two months of receiving the Notice of Abandonment.

III. FEES

A petition fee is not included with this petition because the Notice of abandonment was issued based on a PTO error. However, if any fees have been incurred, please charge the fees to Deposit Account No. 07-0868.

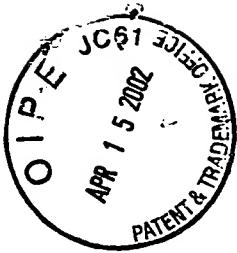
Respectfully submitted,



Patrick K. Patnode
Reg. No. 40,121

General Electric Company
Building K1, Room 4A60
Schenectady, New York 12309

April 5th 2002
Telephone (518) 387-5286



GE Global Research Center

Patrick K. Patnode
Patent Counsel –
Mechanical & e-Initiatives

General Electric Company
P.O. Box 8, Schenectady, NY 12309
One Research Circle, Bldg. K1-4A60; Dial Comm 8*833-5286
Fax (518) 387-6110

April 4, 2002

Box DAC
Honorable Commissioner for Patents and Trademarks
Washington, D.C. 20231

RE: Inventor: Andrew Philip Shapiro et al.
Serial No.: 09/617,935
Filed: August 17, 2000
Title: Icemaker Assembly

SIR:

Enclosed re the following documents for the above-identified patent application:

1. A petition to withdraw the holding of abandonment under 37 C.F.R. § 1.81;
2. Notice of Allowance and Issue Fee Due form (Exhibit A)
3. Part-B-Issue Fee Transmittal form and Designation of Fee Address (Exhibit B);
4. Post card receipt of the Part B – Issue Fee Transmittal Form (Exhibit C); and
5. Notice of abandonment form (Exhibit D).

Respectfully submitted,

Patrick K. Patnode
Attorney for Applicant
Reg. No. 40,121
Tel. No. (518) 387-5286

Schenectady, New York

Dated: April 5th, 2002

April 8, 2002

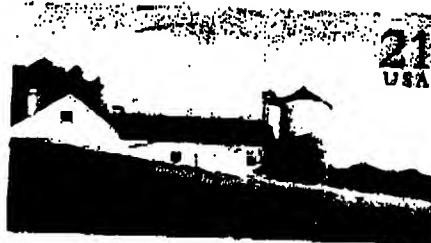
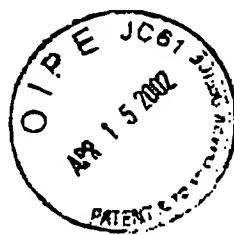
Petition to Withdraw the Holding of Abandonment under 37 CFR 1.81; Transmittal Letter listing documents Exhibit A-D.
The following ~~PETITION TO WITHDRAW~~
has been received by the Patent Office on the date stamped below.

Inventor Andrew P. Shapiro, et al.

Serial No. 09/617,935

Docket No. RD-26643/USA

PK Patnode



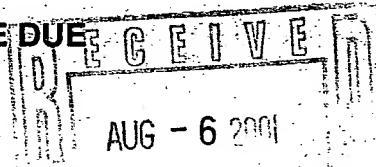
APR 22

General Electric Company
CRD Patent Docket Rm. 4A59
P.O. Box 8, Bldg. K-1
Schenectady, New York 12341

EXHIBIT "A"
RD-26643USA
Due - 10-31-01
P. Patnode



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office



NOTICE OF ALLOWANCE AND ISSUE FEE DUE

006147
GENERAL ELECTRIC COMPANY
CRD PATENT DOCKET ROOM 4A59
P O BOX 8
BUILDING K 1 SALAMONE
SCHENECTADY NY 12301

QMO2/8731

DOCKET CLERK, CORPORATE
RESEARCH & DEVELOPMENT

| APPLICATION NO. | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART. UNIT | DATE MAILED |
|-----------------------|---|--------------|------------------------------|---------------|
| 09/617,935 | 08/17/00 | 027 | TAPOLCAI, W | 3744 07/31/01 |
| First Named Applicant | SHAPIRO, 35 USC 154 (b) term ext. = 0 DAYS. | | | |

TITLE OF INVENTION ICEMAKER ASSEMBLY

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEES DUE | DATE DUE |
|-------------------|----------------|-----------|-------------|--------------|------------|----------|
| 2 RD26643USA | 062-345.000 | K03 | UTILITY | NO | \$1,240.00 | 10/31/01 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or

- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

YOUR COPY

| Notice of Allowability | Application No. | Applicant(s) |
|------------------------|---------------------|----------------|
| | 09/617,935 | SHAPIRO ET AL. |
| | Examiner | Art Unit |
| | William E. Tapolcai | 3744 |

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the IDS filed on August 16, 2001.
2. The allowed claim(s) is/are 1-17 and 19-27.
3. The drawings filed on _____ are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) The translation of the foreign language provisional application has been received.
6. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. CORRECTED DRAWINGS must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No. _____.
 - (b) including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449), Paper No. 11.
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413), Paper No. _____.
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other


William E. Tapolcai
Primary Examiner
Art Unit: 3744



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/617,935 | 08/17/00 | SHAPIRO | A RD26643USA |

006147
GENERAL ELECTRIC COMPANY
CRD PATENT DOCKET ROOM 4A59
P O BOX 8
BUILDING K 1 SALAMONE
SCHENECTADY NY 12301

0M61/1107

EXAMINER

TAPOLDAI, W

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3744 | 2712 |

DATE MAILED: 11/07/01



Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: A.P. Shapiro, et al.

Serial No.: 09/617,935

Filed: 8/17/00

Batch No.: K03

For: ICEMAKER ASSEMBLY

Commissioner For Patents
Box M Fee
Washington, DC 20231

DESIGNATION OF FEE ADDRESS

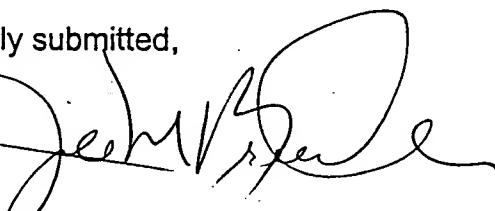
Dear Sir:

Kindly enter the "fee address" for the above-identified application, as follows:

General Electric Company
GE APPLIANCES
Neil Houser
Appliance Park Bldg. 2-Rm. 225
Louisville, KY 40225

Payor No.: 006110

Respectfully submitted,

Signature: 

Name: JILL M. BREEDLOVE

Reg. No. 32,684

Address: General Electric Company
CRD Patent Docket Rm. 4A59
PO Box 8, Bldg. K-1 – Salamone
Schenectady, New York 12301

Telephone: (518) 387-6276
Date: September 26, 2001

EXHIBIT C
September 28, 2001

Notice of Allowance and Issue Fee Transmittal (in duplicate)
charging deposit account 07-0868; Designation of Fee Address
w/Certificate of Mailing
The following ~~patent application~~
has been received by the Patent
Office on the date stamped below.

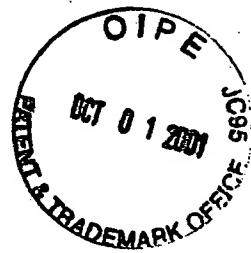
Inventor A.P. Shapiro, et al.

Serial No. 09/617,935

Docket No. RD-26643/USA

Batch No.: K03

P. Patnode



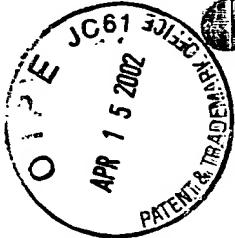


EXHIBIT D"

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
|--------------------|-------------|-----------------------|---------------------|

09/617-935

| |
|----------|
| EXAMINER |
|----------|

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

PH 13

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

Applicant's failure to timely file a proper response to the Office letter mailed on _____.

A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.

A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)

No response has been received.

Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.

The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.

The issue fee has not been received.

Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.

The proposed new formal drawings filed _____ are not acceptable.

No proposed new formal drawings have been received.

The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380



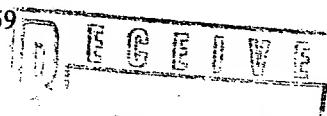
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/617,935 | 08/17/2000 | Andrew Philip Shapiro | RD26643USA | 1426 |

6147 7590 03/26/2002

GENERAL ELECTRIC COMPANY
CRD PATENT DOCKET ROOM 4A59
P O BOX 8
BUILDING K 1 SALAMONE
SCHENECTADY, NY 12301



EXAMINER

TAPOLCAI, WILLIAM E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3744 | P#13 |

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.